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| 10/779,352 | 02/13/2004 | Hisashi Miyata | 1503.69691 | 7893 |

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| EXAMINER |
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THAI, HANH B

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| ART UNIT | PAPER NUMBER |
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02/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/779,352 | Applicant(s) MIYATA ET AL. | |
| | Examiner HANH B. THAI | Art Unit 2163 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 12/06/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is Final Office Action in response to the amendment filed December 6, 2007. Independent claims 1, 3 and 5 have been amended. Claims 1-8 are pending in this application.

Response to Arguments

2. Applicant's arguments regarding "obtaining journals as update results from plural source databases by multiple transactions" have been fully considered but they are not persuasive.

Response: Yamaguchi clearly discloses a method and system of database management for replica databases while updating process of databases (see "databases 109 and 110", Fig.1, Fig.9) by multiple transactions (see "transactions e.g. A,B, C and D; ¶[0010]; [0076]; [0082]-[0083], Yamaguchi). The claimed language does not require that transactions A and B are operated in parallel as asserted by applicant on page 7 of the response. Therefore, the combination of McCurdy and Yamaguchi discloses the claimed limitation of obtaining journals as update results from plural source databases by multiple transactions.

3. Applicant's arguments regarding "maintaining consistency among plural destination databases by permuting journals with the transaction identification information" have been fully considered but they are not persuasive.

Response: Yamaguchi clearly discloses synchronizing the updated databases to maintain the consistency of replica databases (¶[0045]; [0048]; [0081] and [0090], Yamaguchi). Furthermore, the claimed "permuting journals with the transaction identification" is not clearly discussed in the specification. In the interest of compact prosecution, it is assumed that permuting journals with the transaction identification information is rearranging items in the

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electronic document according to predetermined values and assigned identification (see ¶[0123];[0129]-[0130] and [0267], McCurdy). Therefore, the combination of McCurdy and Yamaguchi discloses the claimed invention. Examiner maintains Yamaguchi's teaching the consistency of replica databases while updating is equivalent to the claimed language.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1- 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the claimed limitation of "permuting journals with the transaction identification" is not clearly supported in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the claimed "permuting journals with the transaction identification" is not clearly discussed in the specification. In the interest of compact prosecution, it is assumed that permuting journals with the transaction identification information is rearranging items in the

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electronic document according to predetermined values and assigned identification (see ¶[0123];[0129]-[0130] and [0267], McCurdy).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1- 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCurdy et al. (US Pub. 2002/0035697 A1) in view of Yamaguchi et al. (US Pub. 2006/0041598 A1).

Regarding claim 1, McCurdy discloses a recording medium containing a program for causing a computer to obtain journals as update results from plural source databases, and distribute the journals to plural destination databases, said program comprising:

- obtaining the journal from the source database (abstract; ¶[0010] and [0105]-[0106], McCurdy discloses retrieving a copy of the requested document file reads on obtaining the journal);
- obtaining transaction identification information for identifying a transaction of updating the source databases (¶[0010]; [0121]-[0123], McCurdy);
- rearranging the journal according to a count value and the transaction identification information before distributing a journal (¶[0010]; [0123] and [0129], McCurdy); and
- distributing the obtained journal corresponded with the transaction identification information to the destination database for each transaction of updating the

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source database according to the transaction identification information (§ [0010]; [0076]; [0083] McCurdy discloses providing or sending a copy of requested document to the client).

McCurdy does not disclose updating plural source databases. Yamaguchi discloses a method and system of database management for replica databases while updating process of a database (see § [0010]; [0076]; [0082]-[0083], Yamaguchi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify McCurdy to include the claimed feature as taught by Yamaguchi. The motivation of doing so would have been to efficiently manage large-volume database transactions (see § [0002], Yamaguchi).

Regarding claim 2, McCurdy/Yamaguchi combination discloses counting a number of times the source databases are updated (§ [0010]; [0076]; [0082]-[0083], Yamaguchi); rearranging the journals according to a count value and the transaction identification information before distributing the journals (§ [0010]; [0076]; [0082]-[0083], Yamaguchi); associating the journals with the transaction identification information obtained when the journals are obtained, and storing the journals and the transaction identification information in a journal storage unit; at a predetermined timing, obtaining transaction identification information associated with a smallest count value from the journal management information storage unit; and selecting journals corresponding to the transaction identification information obtained from the journal management information storage unit in journals stored in the journal storage unit as a journals to be distributed (§ [0082]; Fig.11; Fig.14 and corresponding text, Yamaguchi).

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Regarding claim 3, McCurdy discloses a journal obtaining-distributing method for use by a computer obtaining a journal as an update result from a source database, and distributing the journal to a destination database, comprising:

- obtaining the journal from the source database (abstract; ¶[0010] and [0105]-[0106], McCurdy discloses retrieving a copy of the requested document file reads on obtaining the journal);
- obtaining transaction identification information for identifying a transaction of updating the source databases (¶[0010]; [0121]-[0123], McCurdy);
- corresponding the journals with the transaction identification information (¶[0010]; [0123] and [0129], McCurdy); and
- distributing the obtained journal to the destination database for each transaction of updating the source database according to the transaction identification information (¶ [0010]; [0083] McCurdy discloses providing or sending a copy of requested document to the client).

McCurdy does not disclose updating plural source databases. Yamaguchi discloses a method and system of database management for replica database including counting the replica and updated database (see ¶ [0082], Yamaguchi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify McCurdy to include the claimed feature as taught by Yamaguchi. The motivation of doing so would have been to efficiently manage large-volume database transactions (see ¶ [0002], Yamaguchi).

Regarding claim 4, McCurdy/Yamaguchi combination discloses counting a number of times the source databases are updated (§[0010]; [0076]; [0082]-[0083], Yamaguchi); rearranging the journals according to a count value and the transaction identification information before distributing the journals (§[0010]; [0076]; [0082]-[0083], Yamaguchi); associating the journal with the transaction identification information obtained when the journal is obtained, and storing the journal and the transaction identification information in a journal storage unit; at a predetermined timing, obtaining transaction identification information associated with a smallest count value from the journal management information storage unit; and selecting a journal corresponding to the transaction identification information obtained from the journal management information storage unit in journals stored in the journal storage unit as a journal to be distributed (§[0082]; Fig.11; Fig.14 and corresponding text, Yamaguchi).

Regarding claim 5, McCurdy discloses a journal obtaining-distributing apparatus which obtains a journal as an update result from a source database, and distributes the journal to a destination database, comprising:

- a journal obtaining unit obtaining the journal from the source database (abstract; §[0010] and [0105]-[0106], McCurdy discloses retrieving a copy of the requested document file reads on obtaining the journal);
- an identification information acquisition unit obtaining transaction identification information for identifying a transaction of updating the source database when the journal is obtained (§[0010]; [0121]-[0123], McCurdy);
- a journal corresponding unit corresponding the journals with the transaction identification information (§[0010]; [0123] and [0129], McCurdy); and

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- a journal distribution unit distributing the obtained journal to the destination database for each transaction of updating the source database (¶ [0010]; [0083] McCurdy discloses providing or sending a copy of requested document to the client).

McCurdy does not disclose updating plural source databases. Yamaguchi discloses a method and system of database management for replica database including counting the replica and updated database (see ¶ [0082], Yamaguchi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify McCurdy to include the claimed feature as taught by Yamaguchi. The motivation of doing so would have been to efficiently manage large-volume database transactions (see ¶ [0002], Yamaguchi).

Regarding claims 6-8, McCurdy/Yamaguchi combination discloses wherein: the journals are obtained and distributed in the order in which the source databases are updated; whereby consistency of the updating order is maintained.

Regarding claim 7, McCurdy/Yamaguchi combination discloses wherein: the journals are obtained and distributed in the order in which the source databases are updated.

Regarding claim 8, McCurdy/Yamaguchi combination discloses wherein: the journals are obtained and distributed in the order in which the source databases are updated; whereby consistency of the updating order is maintained (¶ [0045]; [0048]; [0081] and [0090], Yamaguchi).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HANH B. THAI whose telephone number is (571)272-4029. The examiner can normally be reached on Mon-Thur (7:00AM - 4:30 PM).

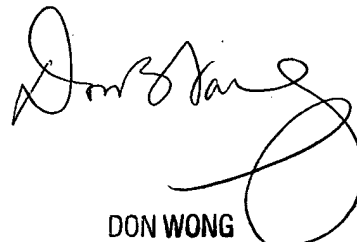
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hanh B Thai
Examiner
Art Unit 2163

February 12, 2008

A handwritten signature in black ink, appearing to read "Don Wong", with a large, stylized loop at the end.

DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100